IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.3999 OF 2006

Ebrahim Hasan Ansari Khatik & Ors. ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Anilkumar Patil for applicants

Mr. S.S.Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 20TH NOVEMBER, 2006

P.C.:

1. This is an application for bail. The applicants are accused in C.R.No.368 of 2005 registered with Manikpur Police Station. The offences alleged are punishable under Sections 307, 504 read with 34 of the Indian Penal Code. The applicants have been arrested on 6.1.2006. The investigations are complete and the charge-sheet is filed.

2. Their application was rejected on the ground that there are no changed circumstances.

3. This court had, consequent upon the order passed in the case of co-accused, granted liberty to the present applicants to file an application for bail afresh and directed that the same be considered on its own merits and uninfluenced by the earlier order.

4. It is brought to my notice that the earlier order rejecting bail was passed on 7.4.2006. One of the co-accused was granted bail by this Court on 28.4.2006. Therefore, the applicants pursuant to the liberty granted by this Court preferred an application for bail, which has been rejected on 11.10.2006.

5. From a perusal of the order passed on 7.4.2006, it appears that the trial court was not inclined to grant bail mainly on the ground that the applicants upon their release would threaten the prosecution witnesses. However, no materials are produced in that behalf.

6. Even otherwise, the investigation being complete a case is made out for grant of bail. The applicants deserve to be enlarged on bail with stringent conditions. More so, when the prosecution has not been able to controvert the averments made in the instant application

and more particularly paragraphs 6 and 7(d) thereof.

7. In such circumstances, following order would serve the ends of justice.

O R D E R :

(i) The applicants arrested in connection with C.R.No.368.2005 registered with Manikpur Police Station shall be enlarged in the sum of Rs.5,000/= each with one or two local sureties in the like amount.

(ii) The applicants would report to Manikpur Police Station, Dist. Kolhapur once in a fortnight till the conclusion of the trial.

(iii) The order of bail will be given effect only after the Applicants furnishes to the investigating officer the details about their place of residence and addresses where they proposes to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of the

trial without prior intimation to the investigating office.

(iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trail may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion of the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(viii) Parties to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J.)